

UNITED STATES BANKRUPTCY COURT

FOR THE

EASTERN DISTRICT OF VIRGINIA

Alexandria Division

In the Matter of:

LINDA H. THURBER

Debtor

Chapter 13

Case No. 21-11922-BFK

MOTION TO DISMISS WITH PREJUDICE,
NOTICE OF MOTION TO DISMISS WITH PREJUDICE
AND
NOTICE OF SCHEDULED HEARING ON THIS MOTION

Thomas P. Gorman, Chapter 13 Trustee, has filed this motion to dismiss your Chapter 13 case with prejudice to re-filing. The cause for this motion is as follows:

Pursuant to 11 U.S.C. §1307(c) and 11 U.S.C. §1307(c)(1) - Lack of Good Faith and Unreasonable Delay.

- This is Debtor's fourth bankruptcy case and third Chapter 13. Her prior cases are as follows:

14-10066-RGM Linda H. Thurber

Chapter: 7 Date filed: 01/07/2014

Debtor discharged: 02/09/2015

Case was converted from Chapter 13 to Chapter 7 on 11/18/2014

19-12439-KHK Linda H. Thurber

Chapter: 13 Date filed: 07/25/2019

Debtor dismissed: 12/11/2019

Dismissed on Trustee's Motion to Dismiss for material default

20-10775-KHK Linda Thurber

Chapter: 13 Date filed: 03/11/2020

Debtor dismissed: 07/13/2020

Dismissed on Trustee's Motion to Dismiss for Unreasonable Delay and Lack of Good Faith

- Debtor has not filed a Plan.
- Debtor did **not** appear at December 21, 2021 Section 341 Meeting of Creditors.

Notice and Motion to Dismiss with Prejudice

Linda H. Thurber, Case #21-11922-BFK

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not wish the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before five business days prior to the hearing date, you or your attorney must:

File with the court a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before five business days prior to the scheduled hearing. You must mail a copy to the persons listed below.

REMOTE HEARING INFORMATION:

Due to the COVID-19 public health emergency, no in-person hearings are being held.

This hearing will take place remotely through Zoom on the date and time scheduled herein.

To appear at the hearing, you must send, by email, a completed request form (the "Zoom Request Form"), which is available on the Court's internet website at www.vaeb.uscourts.gov, on the page titled, "Temporary Emergency Provisions Regarding ZoomGov Remote Proceeding Access Information." Email your completed Zoom Request Form to the email address listed for the Judge assigned to the case. Following receipt of your Zoom Request Form, Court staff will respond to the email address from which the request was submitted with additional information on how to participate through Zoom.

*** The email address shall be used only to submit Zoom Request Forms. No other matters or requests will be considered by Court staff, and under no circumstances will any such matters or requests be brought to the Judge's attention. Failure to comply with these instructions may result in appropriate action, including but not limited to the imposition of sanctions. ***

Notice and Motion to Dismiss with Prejudice

Linda H. Thurber, Case #21-11922-BFK

PLEASE NOTE: You MUST submit the Zoom Request Form no later than two (2) business days prior to this hearing. Any documentary evidence the parties wish to present at the hearing must be filed with the Court in advance of the hearing.

Attend the hearing to be held on January 6, 2022 at 1:30 p.m. in Courtroom #1 on the 2nd floor, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314. If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

A copy of any written response must be mailed to the following persons:

Thomas P. Gorman
300 North Washington Street, Ste. 400
Alexandria, VA 22314

Clerk of the Court
United States Bankruptcy Court
200 South Washington Street
Alexandria, VA 22314

If you or your attorney do not take steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: __December 22, 2021__

____/s/Thomas P. Gorman_____
Thomas P. Gorman
Chapter 13 Trustee
300 N. Washington Street, #400
Alexandria, VA 22314
(703) 836-2226
VSB 26421

CERTIFICATE OF SERVICE

I hereby certify that I have this 22nd day of December, 2021, served via ECF to authorized users or mailed a true copy of the foregoing Motion to Dismiss with Prejudice, Notice of Motion and Notice of Hearing to the following parties.

Linda H. Thurber
Chapter 13 Debtor
13322 Nassau Drive
Woodbridge, VA 22193

____/s/ Thomas P. Gorman_____
Thomas P. Gorman